



REMARKS

The Office Action dated October 19, 2001 has been received. Claims 1-11, 13-19, and 21-37 are currently pending. Claims 24, 29, 34 and 37 have been amended to place the claims in proper antecedent form. Applicant has included herewith a document entitled, "VERSION WITH MARKINGS TO SHOW CHANGES MADE" to indicate how the claim has been amended. No new subject matter has been added.

The Examiner asserted that the Response filed on August 6, 2001 was not fully responsive to the prior Office Action dated May 2, 2001. Specifically, the Examiner stated that the Applicant had not argued or explained how the newly presented claims limit the invention to structure not disclosed or made obvious by any of the applied references. For at least the following reasons, Applicant respectfully submits that the pending claims are in condition for allowance.

Each of independent claims 24, 29, 34, and 37 discloses a nasal support device including a surface layer having a center longitudinal axis and a first traverse axis that is orthogonal to the center longitudinal axis. The surface layer also includes first and second sides positioned on opposite sides of the first transverse axis. Claim 24 includes a protrusion disposed at the center longitudinal axis that projects outwardly from the first side in a directional generally along the center longitudinal axis. Claim 29 includes a centering structure disposed at the longitudinal axis for use in centering the center longitudinal axis. Claim 34 includes a means for centering the center longitudinal axis between the nasal passages. Claim 37 includes an apex disposed at the longitudinal axis.

The Examiner cited Johnson (U.S. Patent No. 5,533,499), Mitra et al. (U.S. Patent No. 5,890,486), Kalt (U.S. Patent No. 5,755,232), Sawyer (U.S. Patent No. 1,292,083), and Muchin (U.S. Patent No. 5,718,224) (hereinafter the "recited references") in the Office Action dated May 2, 2001. The Johnson reference relates to a nasal dilator for use on humans. The Muchin reference relates to a transparent nasal dilator for use on humans. The Kalt reference relates to a universal anatomical support device comprising medical tape base. The Mitra et al. reference relates to a thermal nasal dilator for relief of nasal congestion. Each of the Johnson, Muchin, Kalt, and Mitra et al. references discloses a device that includes dimensions on either side of the

major longitudinal dimension that are greater or equal to the major longitudinal dimension. Each of these references further discloses regions along the longitudinal axis having a substantially straight edge configuration or a concave edge configuration. The Sawyer reference relates to nostril dilator having a single thin spring member connected to pads by bent ends. Sawyer does not generally disclose a longitudinal dimension as defined by Applicant.

None of the recited references discloses a first protrusion, a centering structure, or an apex at the longitudinal axis as recited in claims 24, 29 and 37 respectively; or a means for centering the longitudinal axis as recited in claim 34. Applicant thereby respectfully submits that each of claims 24, 29, 34, and 37 is patentable. Claims 25-28 depend from claim 24. Claims 30-33 depend from claim 29. Claims 35 and 36 depend from claim 34. Claims 25-28, 30-33, 35 and 36 are therefore also patentable over the recited references.

SUMMARY

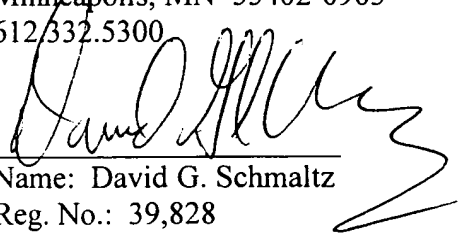
It is respectfully submitted that each of the presently pending claims (claims 1-11, 13-19 and 21-37) is in condition for allowance and notification to that effect is requested. The Examiner is invited to contact Applicant's representative at the below-listed telephone number if it is believed that prosecution of this application may be assisted thereby.

Although certain arguments regarding patentability are set forth herein, there may be other arguments and reasons why the claimed invention is patentably distinct. Applicant reserves the right to raise these arguments in the future.

Respectfully submitted,

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VERSION WITH MARKINGS TO SHOW CHANGES MADE

Claims 24, 29, 34 and 37 have been amended as follows:

24. (Amended) A nasal support device for supporting tissues overlying a first and second nasal passage, the support device comprising:
- (a) an adhesive layer for securing the support device to the tissues;
 - (b) a surface layer, the surface layer configured to include:
 - (i) a center longitudinal dimension having a center longitudinal axis therethrough;
 - (ii) a first transverse dimension having a first transverse axis that is orthogonal to said center longitudinal axis and bisects said [first] center longitudinal axis;
 - (iii) a first side and a second side positioned on opposite sides of the first transverse axis;
 - (iv) a first protrusion disposed at the center longitudinal axis that projects outwardly from the first side in a direction generally along the center longitudinal axis; and
 - (c) one or more support structures having lengths that extend along the transverse dimension of said surface layer.
29. (Amended) A nasal support device for supporting tissues overlying a first and second nasal passage, the support device comprising:
- (a) an adhesive layer for securing the support device to the tissues;
 - (b) a surface layer, the surface layer configured to include:
 - (i) a center longitudinal axis;
 - (ii) a first transverse dimension having a first transverse axis that is orthogonal to said center longitudinal axis and bisects said [first] center longitudinal axis;

- (iii) a first side and a second side positioned on opposite sides of the first transverse axis;
 - (iv) a centering structure disposed at the longitudinal axis for use in centering the center longitudinal axis of said nasal support device between the first and second nasal passages;
 - (v) said surface layer having a major longitudinal dimension at the centering structure and reduced longitudinal dimensions positioned on opposite sides of the centering structure; and
 - (c) one or more support structures having lengths that extend along the traverse dimension of said surface layer.
34. (Amended) A nasal support device for supporting tissues overlying a first and second nasal passage, the support device comprising:
- (a) an adhesive layer for securing the support device to the tissues;
 - (b) a surface layer, the surface layer configured to include:
 - (i) a center longitudinal dimension having a center longitudinal axis therethrough;
 - (ii) a first transverse dimension having a first transverse axis that is orthogonal to said center longitudinal axis and bisects said [first] center longitudinal axis;
 - (iii) a first side and a second side positioned on opposite sides of the first transverse axis;
 - (iv) a means for centering the center longitudinal axis of said nasal support device between the first and second nasal passages; and
 - (c) one or more support structures having lengths that extend along the traverse dimension of said surface layer.
37. (Amended) A nasal support device for supporting tissues overlying a first and second nasal passage, the support device comprising:
- (a) an adhesive layer for securing the support device to the tissues;
 - (b) a surface layer, the surface layer configured to include:

- (i) a center longitudinal dimension having a center longitudinal axis therethrough;
 - (ii) a first transverse dimension having a first transverse axis that is orthogonal to said center longitudinal axis and bisects said [first] center longitudinal axis;
 - (iii) a first side and a second side positioned on opposite sides of the first transverse axis;
 - (iv) an apex disposed at the longitudinal axis; and
- (c) one or more support structures having lengths that extend along the traverse dimension of said surface layer.